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# SUMMARY STATEMENT BY THE SECRETARY-GENERAL ON MATTERS OF WHICH THE SECURITY COUNCIL IS SEIZED AND ON THE STAGE REACHED IN THEIR CONSIDERATION

## Addendum

Pursuant to rule 11 of the provisional rules of procedure of the Security Council, the Secretary-General is submitting the following summary statement.

The list of items of which the Security Council is seized is contained in documents S/22110 of 28 January 1991, S/22110/Add.3 of 1 February 1991, S/22110/Add.13 of 25 April 1991 and S/22110/Add.21 of 22 July 1991.

During the week ending 17 August 1991, the Security Council took action on the following item:

The situation between Iraq and Kuwait (see S/21100/Add.30, S/21100/Add.31, S/21100/Add.32, S/21100/Add.33, S/21100/Add.36, S/21100/Add.37, S/21100/Add.38, S/21100/Add.42, S/21100/Add.43, S/21100/Add.47, S/22110/Add.6, S/22110/Add.7, S/22110/Add.8, S/22110/Add.9, S/22110/Add.13, S/22110/Add.14, S/22110/Add.17, S/22110/Add.24 and S/22110/Add.25)

The Security Council resumed its consideration of the item at its 3004th meeting, on 16 August 1991, in accordance with the understanding reached in its prior consultations.

The President, with the consent of the Council, invited the representatives of Iraq and Kuwait, at their request, to participate in the discussion without the right to vote.

The President drew attention to three draft resolutions before the Security Council contained in the following documents: S/22940, containing the text of a draft resolution prepared in the course of consultations; S/22941, containing the text of a draft resolution submitted by Belgium, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America; and S/22942, containing the text of a draft resolution submitted by France, the Union of

Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Upon the proposal by the President, the Security Council decided to vote on the three draft resolutions before it in the following order: S/22940, S/22941 and S/22942.

The Security Council first voted on draft resolution S/22940 and adopted it unanimously as resolution 705 (1991).

Resolution 705 (1991) reads as follows:

The Security Council,

Having considered the note of 30 May 1991 of the Secretary-General pursuant to paragraph 13 of his report of 2 May 1991 (S/22559) which was annexed to the Secretary-General's letter of 30 May 1991 to the President of the Security Council (S/22661),

Acting under Chapter VII of the Charter,

1. Expresses its appreciation to the Secretary-General for his note of 30 May 1991 which was annexed to his letter to the President of the Security Council of the same date (S/22661);

2. Decides that in accordance with the suggestion made by the Secretary-General in paragraph 7 of his note of 30 May 1991, compensation to be paid by Iraq (as arising from section E of resolution 687) shall not exceed 30 per cent of the annual value of the exports of petroleum and petroleum products from Iraq;

3. Decides further, in accordance with paragraph 8 of the Secretary-General's note of 30 May 1991, to review the figure established in paragraph 2 above from time to time in light of data and assumptions contained in the letter of the Secretary-General (S/22661) and other relevant developments.

The Security Council next voted on draft resolution S/22941, and adopted it, by a vote of 13 votes in favour, to 1 against (Cuba), with 1 abstention (Yemen), as resolution 706 (1991).

Resolution 706 (1991) reads as follows:

The Security Council,

Recalling its previous relevant resolutions and in particular resolutions 661 (1990), 686 (1991), 687 (1991), 688 (1991), 692 (1991), 699 (1991) and 705 (1991),

Taking note of the report (S/22799) dated 15 July 1991 of the inter-agency mission headed by the executive delegate of the Secretary-General for the United Nations inter-agency humanitarian programme for Iraq, Kuwait and the Iraq/Turkey and Iraq/Iran border areas,

Concerned by the serious nutritional and health situation of the Iraqi civilian population as described in this report, and by the risk of a further deterioration of this situation,

Concerned also that the repatriation or return of all Kuwaitis and third country nationals or their remains present in Iraq on or after 2 August 1990, pursuant to paragraph 2 (c) of resolution 686 (1991), and paragraphs 30 and 31 of resolution 687 (1991) has not yet been fully carried out,

Taking note of the conclusions of the above-mentioned report, and in particular of the proposal for oil sales by Iraq to finance the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs for the purpose of providing humanitarian relief,

Taking note also of the letters dated 14 April 1991, 31 May 1991, 6 June 1991, 9 July 1991 and 22 July 1991 from the Minister of Foreign Affairs of Iraq and the Permanent Representative of Iraq to the Chairman of the Committee established by resolution 661 (1990) concerning the export from Iraq of petroleum and petroleum products,

Convinced of the need for equitable distribution of humanitarian relief to all segments of the Iraqi civilian population through effective monitoring and transparency,

Recalling and reaffirming in this regard its resolution 688 (1991) and in particular the importance which the Council attaches to Iraq allowing unhindered access by international humanitarian organizations to all those in need of assistance in all parts of Iraq and making available all necessary facilities for their operation, and in this connection stressing the important and continuing role played by the Memorandum of Understanding between the United Nations and the Government of Iraq of 18 April 1991 (S/22663),

Recalling that, pursuant to resolutions 687 (1991), 692 (1991) and 699 (1991), Iraq is required to pay the full costs of the Special Commission and the IAEA in carrying out the tasks authorized by section C of resolution 687 (1991), and that the Secretary-General in his report to the Security Council of 15 July 1991 (S/22792), submitted pursuant to paragraph 4 of resolution 699 (1991), expressed the view that the most obvious way of obtaining financial resources from Iraq to meet the costs of the Special Commission and the IAEA would be to authorize the sale of some Iraqi petroleum and petroleum products; recalling further that Iraq is required to pay its contributions to the Compensation Fund and half the costs of the Iraq-Kuwait Boundary Demarcation Commission, and

recalling further that in its resolutions 686 (1991) and 687 (1991) the Security Council demanded that Iraq return in the shortest possible time all Kuwaiti property seized by it and requested the Secretary-General to take steps to facilitate this,

Acting under Chapter VII of the Charter,

1. Authorizes all States, subject to the decision to be taken by the Security Council pursuant to paragraph 5 below and notwithstanding the provisions of paragraphs 3 (a), 3 (b) and 4 of resolution 661 (1990), to permit the import, during a period of 6 months from the date of passage of the resolution pursuant to paragraph 5 below, of petroleum and petroleum products originating in Iraq sufficient to produce a sum to be determined by the Council following receipt of the report of the Secretary-General requested in paragraph 5 of this resolution but not to exceed 1.6 billion United States dollars for the purposes set out in this resolution and subject to the following conditions:

(a) Approval of each purchase of Iraqi petroleum and petroleum products by the Security Council Committee established by resolution 661 (1990) following notification to the Committee by the State concerned;

(b) Payment of the full amount of each purchase of Iraqi petroleum and petroleum products directly by the purchaser in the State concerned into an escrow account to be established by the United Nations and to be administered by the Secretary-General, exclusively to meet the purposes of this resolution;

(c) Approval by the Council, following the report of the Secretary-General requested in paragraph 5 of this resolution, of a scheme for the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs as referred to in paragraph 20 of resolution 687 (1991), in particular health related materials, all of which to be labelled to the extent possible as being supplied under this scheme, and for all feasible and appropriate United Nations monitoring and supervision for the purpose of assuring their equitable distribution to meet humanitarian needs in all regions of Iraq and to all categories of the Iraqi civilian population, as well as all feasible and appropriate management relevant to this purpose, such a United Nations role to be available if desired for humanitarian assistance from other sources;

(d) The sum authorized in this paragraph to be released by successive decisions of the Committee established by resolution 661 (1990) in three equal portions after the Council has taken the decision provided for in paragraph 5 below on the implementation of this resolution, and notwithstanding any other provision of this paragraph, the sum to be subject to review concurrently by the Council on the basis of its ongoing assessment of the needs and requirements;

2. Decides that a part of the sum in the account to be established by the Secretary-General shall be made available by him to finance the purchase of foodstuffs, medicines and materials and supplies for essential civilian needs, as referred to in paragraph 20 of resolution 687, and the cost to the United Nations of its roles under this resolution and of other necessary humanitarian activities in Iraq;

3. Decides further that a part of the sum in the account to be established by the Secretary-General shall be used by him for appropriate payments to the United Nations Compensation Fund, the full costs of carrying out the tasks authorized by Section C of resolution 687 (1991), the full costs incurred by the United Nations in facilitating the return of all Kuwaiti property seized by Iraq, and half the costs of the Boundary Commission;

4. Decides that the percentage of the value of exports of petroleum and petroleum products from Iraq, authorized under this resolution to be paid to the United Nations Compensation Fund, as called for in paragraph 19 of resolution 687 (1991), and as defined in paragraph 6 of resolution 692 (1991), shall be the same as the percentage decided by the Security Council in paragraph 2 of resolution 705 (1991) for payments to the Compensation Fund, until such time as the Governing Council of the Fund decides otherwise;

5. Requests the Secretary-General to submit within 20 days of the date of adoption of this resolution a report to the Security Council for decision on measures to be taken in order to implement paragraphs 1 (a), (b) and (c), estimates of the humanitarian requirements of Iraq set out in paragraph 2 above and of the amount of Iraq's financial obligations set out in paragraph 3 above up to the end of the period of the authorization in paragraph 1 above, as well as the method for taking the necessary legal measures to ensure that the purposes of this resolution are carried out and the method for taking account of the costs of transportation of such Iraqi petroleum and petroleum products;

6. Further requests the Secretary-General in consultation with the International Committee of the Red Cross to submit within 20 days of the date of adoption of this resolution a report to the Security Council on activities undertaken in accordance with paragraph 31 of resolution 687 (1991) in connection with facilitating the repatriation or return of all Kuwaiti and third country nationals or their remains present in Iraq on or after 2 August 1990;

7. Requires the Government of Iraq to provide to the Secretary-General and appropriate international organizations on the first day of the month immediately following the adoption of the present resolution and on the first day of each month thereafter until further notice, a statement of the gold and foreign currency reserves it holds whether in Iraq or elsewhere;

8. Calls upon all States to cooperate fully in the implementation of this resolution;

9. Decides to remain seized of the matter.

The Security Council then voted on draft resolution S/22942 and adopted it unanimously as resolution 707 (1991).

Resolution 707 (1991) reads as follows:

The Security Council,

Recalling its resolution 687 (1991), and its other resolutions on this matter,

Recalling the letter of 11 April 1991 from the President of the Security Council to the Permanent Representative of Iraq to the United Nations (S/22485) noting that on the basis of Iraq's written agreement (S/22456) to implement fully resolution 687 (1991) the preconditions established in paragraph 33 of that resolution for a cease-fire had been met,

Noting with grave concern the letters dated 26 June 1991 (S/22739), 28 June 1991 (S/22743) and 4 July 1991 (S/22761) from the Secretary-General, conveying information obtained from the Executive Chairman of the Special Commission and the Director-General of the IAEA which establishes Iraq's failure to comply with its obligations under resolution 687 (1991),

Recalling further the statement issued by the President of the Security Council on 28 June 1991 (S/22746) requesting that a high-level mission consisting of the Chairman of the Special Commission, the Director-General of the IAEA, and the Under-Secretary-General for Disarmament Affairs be dispatched to meet with officials at the highest levels of the Government of Iraq at the earliest opportunity to obtain written assurance that Iraq will fully and immediately cooperate in the inspection of the locations identified by the Special Commission and present for immediate inspection any of those items that may have been transported from those locations,

Dismayed by the report of the high-level mission to the Secretary-General (S/22761) on the results of its meetings with the highest levels of the Iraqi Government,

Gravely concerned by the information provided to the Council by the Special Commission and the IAEA on 15 July 1991 (S/22788) and 25 July 1991 (S/22837) regarding the actions of the Government of Iraq in flagrant violation of resolution 687 (1991),

Gravely concerned also by the evidence in the letter of 7 July 1991 from the Minister of Foreign Affairs of Iraq to the Secretary-General and in subsequent statements and findings that Iraq's notifications of 18 and 28 April were incomplete and that it had concealed activities, which both constituted material breaches of its obligations under resolution 687 (1991),

Noting also from the letters dated 26 June 1991 (S/22739), 28 June 1991 (S/22743) and 4 July 1991 (S/22761) from the Secretary-General that Iraq has not fully complied with all of its undertakings relating to the privileges, immunities and facilities to be accorded to the Special Commission and the IAEA inspection teams mandated under resolution 687 (1991),

Affirming that in order for the Special Commission to carry out its mandate under paragraph 9 (b) (i), (ii) and (iii) of resolution 687 (1991) to inspect Iraq's chemical and biological weapons and ballistic missile capabilities and to take possession of them for destruction, removal or rendering harmless, full disclosure on the part of Iraq as required in paragraph 9 (a) of resolution 687 (1991) is essential,

Affirming that in order for the IAEA, with the assistance and cooperation of the Special Commission, to determine what nuclear-weapons-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to them need, in accordance with paragraph 13 of resolution 687 (1991), to be destroyed, removed or rendered harmless, Iraq is required to make a declaration of all its nuclear programmes including any which it claims are for purposes not related to nuclear-weapons-usable material,

Affirming that the aforementioned failures of Iraq to act in strict conformity with its obligations under resolution 687 (1991) constitutes a material breach of its acceptance of the relevant provisions of resolution 687 (1991) which established a cease-fire and provided the conditions essential to the restoration of peace and security in the region,

Affirming further that Iraq's failure to comply with its safeguards agreement with the International Atomic Energy Agency, concluded pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968, as established by the resolution of the Board of Governors of the IAEA of 18 July 1991 (GOV/2532), 1/ constitutes a breach of its international obligations,

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1/ A/45/1037; S/22812, appendix.

Determined to ensure full compliance with resolution 687 (1991) and in particular its section C,

Acting under Chapter VII of the Charter,

1. Condemns Iraq's serious violation of a number of its obligations under section C of resolution 687 (1991) and of its undertakings to cooperate with the Special Commission and the IAEA, which constitutes a material breach of the relevant provisions of resolution 687 which established a cease-fire and provided the conditions essential to the restoration of peace and security in the region;

2. Further condemns non-compliance by the Government of Iraq with its obligations under its safeguards agreement with the International Atomic Energy Agency, as established by the resolution of the Board of Governors of 18 July, which constitutes a violation of its commitments as a party to the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968;

3. Demands that Iraq

(i) provide full, final and complete disclosure, as required by resolution 687 (1991), of all aspects of its programmes to develop weapons of mass destruction and ballistic missiles with a range greater than 150 km, and of all holdings of such weapons, their components and production facilities and locations, as well as all other nuclear programmes, including any which it claims are for purposes not related to nuclear-weapons-usable material, without further delay;

(ii) allow the Special Commission, the IAEA and their Inspection Teams immediate, unconditional and unrestricted access to any and all areas, facilities, equipment, records and means of transportation which they wish to inspect;

(iii) cease immediately any attempt to conceal, or any movement or destruction of any material or equipment relating to its nuclear, chemical or biological weapons or ballistic missile programmes, or material or equipment relating to its other nuclear activities without notification to and prior consent of the Special Commission;

(iv) make available immediately to the Special Commission, the IAEA and their Inspection Teams any items to which they were previously denied access;

(v) allow the Special Commission, the IAEA and their Inspection Teams to conduct both fixed wing and helicopter flights throughout Iraq for all relevant purposes including inspection, surveillance, aerial surveys, transportation and logistics

without interference of any kind and upon such terms and conditions as may be determined by the Special Commission, and to make full use of their own aircraft and such airfields in Iraq as they may determine are most appropriate for the work of the Commission;

(vi) halt all nuclear activities of any kind, except for use of isotopes for medical, agricultural or industrial purposes until the Security Council determines that Iraq is in full compliance with this resolution and paragraphs 12 and 13 of resolution 687 (1991), and the IAEA determines that Iraq is in full compliance with its safeguards agreement with that Agency;

(vii) ensure the complete implementation of the privileges, immunities and facilities of the representatives of the Special Commission and the IAEA in accordance with its previous undertakings and their complete safety and freedom of movement;

(viii) immediately provide or facilitate the provision of any transportation, medical or logistical support requested by the Special Commission, the IAEA and their Inspection Teams;

(ix) respond fully, completely and promptly to any questions or requests from the Special Commission, the IAEA and their Inspection Teams;

4. Determines that Iraq retains no ownership interest in items to be destroyed, removed or rendered harmless pursuant to paragraph 12 of resolution 687 (1991);

5. Requires that the Government of Iraq forthwith comply fully and without delay with all its international obligations, including those set out in the present resolution, in resolution 687 (1991), in the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968 and its safeguards agreement with the IAEA;

6. Decides to remain seized of this matter.

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